

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

AUDI OF AMERICA, INC.,  
An Organizational Unit of Volkswagen Group  
of America, Inc.,  
A New Jersey Corporation,

Plaintiff/Counter-Defendant,

v.

BRONSBURG & HUGHES PONTIAC, INC.,  
d/b/a WYOMING VALLEY AUDI,  
A Pennsylvania Corporation,

Defendant/Counter-Plaintiff,

-and-

NORTH AMERICAN AUTOMOTIVE  
SERVICES, INC., an Illinois Corporation; *et al.*,

Defendants/Counter-Plaintiffs.

Case No. 3:16-cv-02470

Hon. John E. Jones III

**AUDI OF AMERICA, INC.’S MOTION FOR SUMMARY JUDGMENT  
REGARDING NAPLETON’S COUNTERCLAIMS**

Pursuant to Federal Rule of Civil Procedure 56 and Local Rule 56.1, Plaintiff/Counter-Defendant Audi of America, Inc. (“AoA”), respectfully requests that the Court enter summary judgment in its favor and against Defendants/Counter-Plaintiffs North American Automotive Services, Inc., *et al.* (“Napleton”), on Napleton’s remaining claims against AoA.

The bases for this summary judgment motion are set forth in AoA’s contemporaneously-filed memorandum of law and Local Rule 56.1 statement of undisputed material facts.

**WHEREFORE**, for the reasons set forth in AoA's memorandum of law, AoA respectfully requests the Court to grant its motion and enter summary judgment in its favor and against Defendants/Counter-Plaintiffs Napleton on Napleton's remaining claims against AoA and for such additional and further relief as the Court deems proper.

Dated: January 24, 2018

Respectfully submitted,

**AUDI OF AMERICA, INC.**

An Organizational Unit of  
Volkswagen Group of America, Inc.

By: /s/Owen H. Smith  
One of Its Attorneys

Thomas B. Schmidt, III (PA 19196)  
Justin G. Weber (PA 89266)  
Pepper Hamilton LLP  
100 Market Street, Ste. 200  
Harrisburg, Pennsylvania 17108  
Ph: 717.255.1155  
Email: schmidt@pepperlaw.com  
Email: hullt@pepperlaw.com

Randall L. Oyler (IL 6209675)  
Owen H. Smith (IL 6307554 / NY 693627)  
Brandon C. Prosansky (IL 6293582)  
Caroline H. Sear (IL 6317527)  
Barack Ferrazzano Kirschbaum & Nagelberg LLP  
200 West Madison, Ste. 3900  
Chicago, Illinois 60606  
Ph: 312.984.3100  
Email: randall.oyler@bfkn.com  
Email: owen.smith@bfkn.com  
Email: brandon.prosansky@bfkn.com  
Email: carrie.sear@bfkn.com  
*Admitted Pro Hac Vice*

*Attorneys for Audi of America, Inc.,  
An Organizational Unit of Volkswagen Group of America, Inc.*

**Certificate Pursuant to Local Rule 7.1**

I, Owen H. Smith, hereby certify that I, on behalf of Plaintiff Audi of America, Inc., have attempted to obtain concurrence from all counsel of record in the instant Motion under Local Rule 7.1, and that, as of the time of filing, Defendants' counsel do not concur.

/s/Owen H. Smith

**CERTIFICATE OF SERVICE**

I, Owen H. Smith, an attorney, certify that on January 24, 2018, a true and correct copy of the foregoing was filed through the Court's Electronic Case Filing (ECF) system upon all counsel of record.

\_\_\_\_\_/s/Owen H. Smith